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December 1, 2004

Ⓢ TN REGULATORY AUTHORITY
DOCKET ROOM

Jean Stone, Hearing Officer
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, TN 37243-0505

Re: In Re: Petition of King's Chapel Capacity
Docket No. 04-00335

Dear Hearing Officer Stone:

The "Motion to Hold Proceedings in Abeyance" to be filed by Tennessee Wastewater Systems, Inc will be submitted tomorrow, December 2, 2004, instead of today, as I had hoped. I have no objection to giving counsel for King's Chapel Capacity an extra day (until December 9, 2004) to respond to the motion. This one-day delay will have no impact on the other dates announced at the scheduling conference.

I would note that the scheduled hearing date in this case, January 10, 2005, conflicts with a previously scheduled TRA rulemaking hearing involving all four TRA directors (Docket No. 04-00211). I assume, therefore, that the hearing this month will be re-scheduled. I would suggest, to avoid unnecessary delay, that the hearing be scheduled for January 17, 2004. This would also allow for (1) the TRA directors to consider, if asked, the "Motion to Hold Proceedings in Abeyance" at the agenda conference on January 10, and (2) the filing of rebuttal testimony a few days prior to the hearing on the 17th.

The opportunity to file rebuttal is particularly important in this case. The Hearing Officer may have noted from reading the lengthy pleading submitted by King's Chapel Capacity in opposition to the Petition to Intervene of TWS, the Applicant will likely raise multiple issues -- some relevant, most not -- in their direct testimony. Relevant or not, however, each issue will require a response from TWS. The pre-filing of rebuttal testimony, rather than attempting "live" rebuttal, will make this case much more manageable for the Directors and staff. Furthermore, since the hearing must be postponed, in any event, to a non-conference date, there is no reason to deny the parties the opportunity to pre-file rebuttal during the interim.

Very truly yours,

BOULT, CUMMINGS, CONNERS & BERRY, PLC

By:


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HW/djc

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